HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.26971 of 1998

20th July, 2007

Between

M.Venkatesiva Reddy ..Petitioner

AND

The Government of A.P. represented by its Secretary, Irrigation Department and others ..Respondents

:: JUDGMENT ::

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The writ petitioner asserts that the land belonging to him in an extent of Ac.2.00 and the land belonging to his father in an extent of Ac.2.29 cents have been acquired some time during the year 1985 for the purpose of constructing Somasila Project which forms part of the Telugu Ganga Project. The writ petitioner also asserted that to offset the difficulties caused by the large scale acquisition of lands for construction of Projects, to a certain extent atleast, the State Government has been taking various policy measures and one such scheme has been propounded through their G.O.Ms.No.98, Irrigation (Project Wing) Department dated 15.4.1986. The salient features of the scheme propounded by the State Government is to make available not more than 50% of the vacancies of the categories equivalent to Junior Assistants, Typists and other posts below the said rank arising in major and medium Irrigation and Power Projects to be filled up by the members of the displaced families or their dependants duly following the rule of reservation for various categories such as scheduled castes, scheduled tribes, backward classes, ex-service men, physically challenged categories and meritorious sportsmen etc., A displaced person himself or his dependant where there is no earning member in the family is rendered eligible to seek appointment under the

scheme. Application soliciting such appointment shall be made to the District Collector concerned within a period of one year from the date of actual displacement. The State Government also indicated that preference would be accorded for consideration of the claims of the candidates based upon the dates of displacement of such families. It was further pointed out that preference would also be given to those who lost both the land and the house over those who lost either house or land alone. It was further indicated that the claims of the persons under this scheme would be considered for temporary appointment without subjecting them to the normal process of recruitment with reference to the age and the educational qualifications. These temporary appointments made in favour of the displaced persons would fructify at a later point of time, as regular appointments as and when vacancies do arise in the cadre and to that extent those public posts will be taken out of the purview of the Andhra Pradesh Public Service Commission. Thus, the scheme of rehabilitation thoughtfully announced by the State Government through their G.O.Ms.No.98 had taken care of various alternatives and priorities. But the case of the writ petitioner is that notwithstanding the displacement suffered by his family members and himself as long back as in the year 1986 by which time in fact, he had acquired the Bachelor of Arts Degree qualification from the S.V. University and he was well within the upper age limit for consideration of employment, his case has not been considered for such recruitment. The writ petitioner made an attempt to demonstrate that pick and choose method appears to have taken over in the matter of employment of the

displaced persons instead of following a systematic procedure sought to be put in place through the scheme announced in G.O.Ms.No.98.

In opposition, the Chief Engineer, Telugu Ganga Project, Srikalahasti who is impleaded as third respondent, had filed a counter affidavit in the matter. The State Government and the District Collector, Kadapa District who are respondents 1 and 2 though served, have not preferred to contest this writ petition. The counter affidavit filed by the Chief Engineer makes a pathetic reading. He avers as follows:

> "Therefore, the cases of all the above said applications under Somasila Project were referred to the revenue authorities for verification of their genuineness and to intimate whether there are any other earning members in the family and also to initiate the actual date of displacement. The case of the petitioner herein was also referred to the revenue authorities in the year 1999 to furnish the above information. As many as nineteen reminders have been issued from time to the revenue authorities in this regard but the information is still awaited. Once the information is received from the revenue authorities, the cases of all the displaced persons, including the petitioner, will be placed before the Selection Committee constituted under G.O.Ms.No.266 dated 19.9.1994 of I & CAD Department for screening and fixation of seniority. After fixation of the seniority by the Selection Committee, the same will be submitted to the Government for approval as per G.O.Ms.No.44 dated 31.3.1999 of I & CAD (PW—SSSP-I) Department. The petitioner herein will be considered for

> employment based on his turn in the seniority list and subject to the availability of vacancies in Somasila Project Circle, Nellore."

The counter affidavit further proceeds to say that there are no vacancies in the post of Junior Assistants in the Somasila Project as of now. However, what is of significance to know is that the State Government had not confined the sweep and the applicability of the scheme of rehabilitation announced through the G.O.Ms.No.98 only to the posts available in the Somasila Project or for that matter to the Telugu Ganga Project either. The scheme of rehabilitation is rendered applicable to all the medium and major irrigation Projects undertaken by the State Government. Going by the popular perception that the State Government is undertaking the irrigation works in a big way, a good number of vacancies, be it regular or temporary, would have arisen. In the absence of any further details, such as, the total number of displaced persons with reference to the Somasila Project alone and as to how many of them have been actually rehabilitated by way of public employment, the scheme of rehabilitation announced by the State Government appears to be a mystical exercise, primarily intended to be an eye wash. No public assistance scheme propounded by the State Government should be understood to befool the intended beneficiaries. The expectations of the beneficiaries of the rehabilitation scheme announced by the State Government have got to be translated into concrete action. The baffling feature of this case is that the Chief Engineer of the Project has himself expressed his inability to persuade the District

Collector, who is a subordinate agency of the State Government, to act in the direction of the implementation of the scheme of rehabilitation announced by the State Government and the State Government considers itself to have done its part of the duty by announcing a rehabilitation scheme and it is not bothered to pull up the erring District Collectors for their magnificent failure to give effect to such rehabilitation schemes.

I therefore direct the second respondent-- District Collector to file a detailed report before the Principal Secretary to the Government, Irrigation Department on or before 31st October, 2007 as to the total number of displaced persons of the Somasila Project who need to be rehabilitated and the number of displaced persons who have been so far rehabilitated and the reasons or the process by which they have been picked up in preference to others and the measures that were undertaken by him for giving effect to the rehabilitation scheme. The District Collector shall also offer his explanation as to why he had not bothered much for giving effect to and implement the rehabilitation scheme announced by the State Government and the State Government will examine as to how many more District Collectors like the second respondent are responsible for getting the scheme of rehabilitation derailed completely and the first respondent shall initiate proper measures and action for securing faithful and truthful compliance of the schemes of rehabilitations that are announced by the State Government. It is only expected of the State Government to mean business when it announces the schemes of rehabilitation for the benefit of persons who have been displaced on account of construction

of Projects intended to subserve larger public interest. It is the primary responsibility and accountability of the State Government to secure a faithful compliance of such schemes. The schemes of the rehabilitation are not expected to be merely announced and be forgotten in the matter of implementation. Any failure to take up follow up action would actually distress larger public interest inasmuch as the public at large are made to believe that the scheme of rehabilitation is put in place by the State Government to sub-serve the larger public interest and to obviate the massive human suffering likely to be caused by the implementation of the development schemes such as construction of projects and industries etc., where large chunks of human habitation get ousted. The State Government shall take follow up action needed on or before 31st December, 2007. With the hope and trust that the cases of the writ petitioner as well as other sufferers of the displaced categories will receive proper and kind attention in the matter of their rehabilitation, the writ petition stands disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

20.7.2007
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